

REMARKS

The Office Action Summary indicates that claims 3, 6-7, and 9-13 are objected to, but the Office Action comments no further on these claims. Applicants assume that the Office considers claims 3, 6-7, and 9-13 free of the prior art and objects to these claims as depending from a rejected base claim. Accordingly, Applicants thank the Office for recognizing that claims 3, 6-7, and 9-13 are free of the prior art.

Applicants respectfully request reconsideration of claims 1-2, 4-5, 8, and 14-15 in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-3, 11, and 14-15 are currently being amended, and claims 16-18 are being added. No new matter has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-15 are now pending in this application.

**Rejection under 35 U.S.C. § 102(b)**

Claims 1-2, 4-5, 8, and 14-15 stand rejected under 35 U.S.C. § 102(b) as anticipated by JP-9063612.

Applicants respectfully traverse with respect to the claims as amended.

Anticipation requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Applicants have amended independent claims 1 and 14-15 to more clearly point out that the circulated fluid is “being supplied into and discharged from the at least one of the fuel cell, the fuel gas supply and the oxidizing gas supply line as circulating liquid.” Each remaining rejected claim 2, 4-5, and 8 depends directly or indirectly from claim 1 and therefore “shall be

construed to incorporate by reference all the limitations of the claim to which it refers" (see 35 U.S.C. § 112, paragraph 4).

JP-9063612 does not disclose sterilizing circulating fluid that is "being supplied into and discharged from the at least one of the fuel cell, the fuel gas supply and the oxidizing gas supply line as circulating liquid" as recited in independent claims 1 and 14-15 as amended. JP-9063612 discloses a fuel cell wherein the ultraviolet sterilization apparatus 41 is in water recovery system 20, not in the coolant water circulation system 10. The water recovery system "condenses steam in waste gases 7, 8 of the fuel cell" (JP-9063612, Abstract, lines 6-7). Steam is not liquid. The system "mixes the water with tap water" and an "ultraviolet sterilization apparatus 41 [sterilizes] microbes in the mixed water" (JP-9063612, Abstract, lines 7-10). As shown in Figure 1 of JP-9063612, the ultraviolet sterilization apparatus 41 and the antibacterial filter 42 are upstream of the water purifier 31 and can thus only sterilize the mixed water. Accordingly, the sterilization apparatus 41 does not sterilize circulation fluid that is "being supplied into and discharged from the at least one of the fuel cell, the fuel gas supply and the oxidizing gas supply line as circulating liquid" as recited in independent claims 1 and 14-15 as amended and as applicable to dependent claims 2, 4-5, and 8.

Because JP-9063612 fails to satisfy every limitation of the rejected claims, Applicants request that the Office withdraw the anticipation rejection.

The Office has not rejected any claims as obvious over JP-9063612. Indeed, JP-9063612 provides no suggestion or motivation for a skilled artisan to have modified the disclosed apparatus to arrive at the invention of the present claims as amended.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check

being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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